



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S.W.
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

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Streamlined Submarine Cable Landing License Applications

Accepted For Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing licensee; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless upon further examination an application is deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Unless otherwise specified, interested parties may file comments with respect to these applications within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Submarine Cable Landing License

Application filed by Edge Cable Holdings USA, LLC (Edge USA) and GU Holdings Inc. (GU Holdings) (the Applicants) for a license to land and operate a non-common carrier fiber-optic submarine cable system connecting California, Guam, Singapore and Indonesia, the Echo cable system.

The Echo cable system will consist of a Main Trunk that will directly connect Eureka, California and Singapore, and three branching units that will connect the Main Trunk to two landing points in Guam (Piti and Agat) and one landing point in Indonesia. The Main Trunk is 16,026 kilometers in length and will have 12 fiber pairs, each having a design capacity of 12 Terabits per second (Tb/s). The Piti Branch and the Agat Branch both are 372 kilometers in length and each branch will have 12 fiber pairs with a design capacity of 12 Tb/s. The Indonesia branch is 234 kilometers in length and will consist of four fiber pairs, each having a design capacity of 12 Tb/s. Applicants state that the Echo cable system will be constructed with several unused branches, and Applicants will request modification(s) to the submarine cable landing license to add new landing points if construction of new branches moves forward. Applicants have not yet made decisions about initial lit capacity of the system's segments and expect the Echo cable system to commence commercial service during the third calendar quarter of 2023.

Applicants state that the Echo cable system will advance the public interest by providing an ultra-long-haul submarine cable system that connects California directly with Singapore without intermediate landings, providing low latency connectivity on the U.S.-Singapore and U.S.-Indonesia routes. Applicants further state that the Echo cable system will enhance geographic diversity and network resilience by landing in northern California, which is not currently a common landing point for submarine cables. Finally, Applicants state that the system will enhance competition by competing vigorously with other cable systems on the U.S.-Singapore route (Asia-America Gateway, APCN-2, Asia Pacific Gateway, Asia Submarine-cable Express, EAC-C2C, and Southeast Asia-Japan systems) and the U.S.-Indonesia route (SEA-US and a combination of systems connecting Indonesia to Singapore, with onward connectivity to the United States via a variety of systems).

The Echo cable system's Main Trunk Wet Infrastructure and Common Infrastructure are owned and controlled as follows: (1) Edge USA and GU Holdings will each hold a 50% equity and a 50% voting interest in the portion in U.S. territory; (2) Edge Network Services Limited (Edge NSL), an affiliate of Edge USA, and Google Singapore Pte. Ltd. (GSPL), an affiliate of GU Holdings, will each hold a 50% equity and a 50% voting interest in the portion in international and Indonesian waters; and (3) Edge Network Services Limited (Edge Singapore), an affiliate of Edge USA, and GSPL will each hold a 50% equity and voting interest in the portion in Singapore territory. The Echo cable system's Guam Branches Wet Infrastructure and Common Infrastructure are owned and controlled as follows: (1) Edge USA and GU Holding will each hold 50% equity and a 50% voting interest in the portion in U.S. territory and (2) Edge NSL and GSPL will each hold a 50% equity and a 50% voting interest in the portion in international waters. Edge USA and its affiliates will own 8 of 12 fiber pairs landing at Piti, with GU Holdings and its affiliates owning the remaining 4 fiber pairs. GU Holdings and its affiliates will own 8 of 12 fiber pairs at Agat, with Edge USA and its affiliates owning the remaining 4 fiber pairs.

Applicants state that because Edge NSL, Edge Singapore, Edge Indonesia, and GSPL will not use the U.S. endpoints of the Echo cable system, none of these entities is required to be an applicant/licensee for the cable landing license under section 1.767(h)(2) of the Commission's rules, 47 CFR § 1.767(h)(2).

The cable landing stations are owned and controlled as follows: (1) Eureka, California: Edge USA will be the U.S. landing party and control Echo's use of the cable landing station to be constructed at Eureka under a contract with EdgeConneX Arcata Holdings, LLC (EdgeConneX); (2) Piti, Guam and Agat, Guam: Edge USA will be the U.S. landing party and control Echo's use of the existing cable landing stations at Piti and Agat under a contract with Tata Communications (America) Inc. (TCA); (3) Singapore: Google Singapore Pte Ltd will be the Singapore landing party and control Echo's use of the existing cable landing station in Singapore under a contract with Telstra International Limited; and (4) Indonesia: PT XL Axiata Tbk, the landing party in Indonesia, will own and control the new cable landing station to be constructed at Tanjung Pakis, Indonesia. Applicants state title of the Indonesian branch will be transferred to PT XL Axiatic Tbk at system acceptance, and that Edge Indonesia and GSPL will both receive a reciprocal right of use for the branch. Applicants also state that EdgeConneX is a U.S.-based data center operator that is not affiliated with Edge USA.

Applicants request a waiver of section 1.767(h)(1) to exclude EdgeConneX, the owner of the Eureka, CA landing station, and TCA, the owner of the Piti and Agat, Guam cable landing stations, from being joint applicants/licensees for the Echo cable landing license. Section 1.767(h)(1) requires that "any entity that owns or controls a cable landing station in the United States" shall be "applicants for, and licensees on a cable landing license." 47 C.F.R. § 1.767(h)(1). Applicants contend that neither EdgeConneX nor TCA will have any ability to affect significantly the operation of the Echo cable system, and inclusion of EdgeConneX and TCA as joint applicants is not necessary to ensure compliance by the Applicants with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. Applicants state that they will contract jointly with EdgeConneX for the Eureka landing and with TCA for the Piti, Guam and Agat, Guam landings for the provision of certain limited services that would not provide either EdgeConneX or TCA with any ability to affect significantly the Echo system's operation. Applicants state they will enter long-term leases with EdgeConneX and TCA for colocation space for power feed equipment for the cable stations and retain operational authority over the Echo system landing facilities and provide direction to EdgeConneX and TCA in all matters relating to the Echo cable system. Applicants assert they will ensure that all IRU and lease agreements have initial terms, with extension options at the sole discretion of the Applicants, for a total of 25 years each, coextensive with the term of the cable landing license.

Applicants propose to operate the Echo cable system on a non-common carrier basis, either by using the Echo system to serve their own internal business connectivity needs or by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations. For both Edge USA and GU Holdings, the Echo system will provide capacity to support both Facebook's global platform (Edge USA) and Google's network (GU Holdings) in connecting both entities to their users, points of presence, and data centers.

Edge USA, a Delaware corporation, is a wholly owned, direct subsidiary of Facebook, Inc. (Facebook), a Delaware corporation that is publicly traded on the NASDAQ stock market. As of December 31, 2020, CZI Holdings, LLC (CZI), a Delaware LLC, held a 12.44% equity interest and a 51.85% voting interest in Facebook. As of December 31, 2020, Mark Zuckerberg, a U.S. citizen, held a 12.83% equity interest and a 57.8% voting interest in Facebook that includes: (1) a 53.0% voting interest for securities he has voting and investment power over; and (2) a 4.8% voting interest that he exercises voting control over through an irrevocable proxy, except under limited circumstances, pursuant to a voting agreement with Mr. Zuckerberg, Facebook, and such stockholders. Shares of Class A and Class B Facebook stock are held by Mr. Zuckerberg, Trustee of the Mark Zuckerberg Trust (2006 Trust) and Chan Zuckerberg Initiative Foundation (CZIF). The 2006 Trust is the sole member of CZI, and Mr. Zuckerberg is the sole trustee of the 2006 Trust, thereby having sole voting and investment power over the securities held by CZIF. Edge USA has no other 10% or greater direct or indirect shareholders.

GU Holdings, a Delaware company, is an indirect, wholly owned subsidiary of Google LLC (Google), a Delaware company. The 10% or greater direct or indirect interest holders of GU Holdings are: (1) Google International LLC (100% voting and equity interest); (2) Google LLC (97% voting and equity interest in Google International); (3) XXVI Holdings Inc., a Delaware company (100% voting and equity interest in Google LLC); (4) Alphabet Inc. (Alphabet), a Delaware company (99% voting and equity interest in XXVI Holdings Inc.); (5) Mr. Larry Page, a U.S. citizen and Co-Founder/Director of Alphabet (26.28% voting interest in Alphabet through ownership of 43.5% of Alphabet's Class B common stock); and (6) Mr. Sergey Brin, a U.S. citizen and Co-Founder/Director of Alphabet (25.25% voting interest in Alphabet through ownership of 41.8% of Alphabet's Class B common stock). Alphabet's shares are publicly traded on the NASDAQ stock market. Applicants assert that no other entity or individuals hold a 10% or greater voting or equity interest in Alphabet or GU Holdings.

Applicants agree to accept and abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 C.F.R. §1.767(g).

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may be removed from streamlined processing and may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.